

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

TUUT:010USC1
10688152

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	32	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	32 minus 20 =	12
INDEPENDENT CLAIMS	1 minus 3 =	
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

CLAIMS AS AMENDED - PART II

10/17/03
Non-Comp

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	2	32	2
Independent		3	3
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total	37	32	5
Independent	2	3	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total			
Independent			
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE		RATE	FEE
BASIC FEE	385.00	OR	BASIC FEE	770.00
X\$ 9=	99	OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL	484	OR	TOTAL	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL		OR	TOTAL	
ADDIT. FEE		OR	ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=	125	OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL	125	OR	TOTAL	
ADDIT. FEE		OR	ADDIT. FEE	

RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
X\$ 9=		OR	X\$18=	
X43=		OR	X86=	
+145=		OR	+290=	
TOTAL		OR	TOTAL	
ADDIT. FEE		OR	ADDIT. FEE	

United States Patent and Trademark Office
- Sales Receipt -

04/28/2006 SLITTLE 00000001 501212 10688152

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CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA, 22313-1450, on the date below:

April 18, 2006
Date

Michael C. Barrett
Michael C. Barrett

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rebecca Richards-Kortum et al.

Serial No.: 10/688,152

Filed: October 17, 2003

For: METHOD AND APPARATUS FOR
PROBABILISTICALLY CLASSIFYING
TISSUE IN VITRO AND IN VIVO USING
FLUORESCENCE SPECTROSCOPY

Group Art Unit: 3737

Examiner: Smith, Ruth S.

Atty. Dkt. No.: TUUT:010USC1

**Amendment; Response To Notice Of Non-Compliant Amendment
(37 CFR 1.121) Dated October 19, 2005;
And Request For Extension Of Time**

MS: AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper responds to the Notice of Non-Compliant Amendment dated October 19, 2005, for which the one-month date for response was November 19, 2005. Favorable reconsideration of the application is respectfully requested.

04/24/2006 HMRZ11 00000050 10688152

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25645490.1

Remarks

A. Status

Claims 54-85 are pending in this application.

The claims have been amended to put them into the same form they were in prior to the filing of this continuation. Claims 54-85 correspond to claims 26-51 and 54-59 in the parent case prior to this filing of this continuation application. No new matter has been added.

The Office has previously indicated that the subject matter of these claims is patentable except for an alleged double patenting issue with respect to U.S. Patent Nos. 6,258,576; 5,612,540; and 6,241,662. (See, Advisory Action dated April 7, 2003, in parent case). Applicants corrected an assignment associated with U.S. Patent No. 6,241,662 (received by the Patent Office on August 26, 2004) and may be willing to file a terminal disclaimer to overcome the double patenting rejection, if maintained in this continuation application.

Request For Extension Of Time

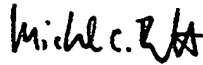
Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of five-months up to and including April 19, 2006, in which to respond to the Notice of Non-Compliant Amendment dated October 19, 2005. A check in payment of the small entity petition fee for a five-month extension of time (\$1,080.00) is enclosed. Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit said fees to or from Fulbright & Jaworski Deposit Account No. 50-1212/TUUT:010USC1/MCB.

CONCLUSION

Applicants believe that these remarks fully address all outstanding matters for this application. With the filing of this document, Applicants respectfully submit that the amendment document filed on October 17, 2003, is now in compliance with the requirements of 37 CFR 1.121 or 1.4.

Should the Office desire to discuss this case, the Examiner is encouraged to contact the undersigned attorney at (512) 536-3018.

Respectfully submitted,



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Attorney for Applicants

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Date: April 18, 2006